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 14 Attorneys for the Plaintiff  
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 CLERK, US DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA  
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 '08 CV 0289 AJB

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	THE UNITED STATES OF AMERICA, ) Case No. Plaintiff, ) COMPLAINT IN CONDEMNATION v. ) With Declaration of Taking 1.63 ACRES OF LAND, MORE OR LESS, ) 40 U.S.C. § 3114 SITUATE IN SAN DIEGO COUNTY, STATE ) OF CALIFORNIA; SECURITY TITLE ) INSURANCE COMPANY; AND ) ALL OTHER INTERESTED PARTIES, ) Defendants. )
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1. This is an action of a civil nature brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through the Acting Executive Director, Asset Management, of U.S. Customs and Border Protection, for the taking of property, under the power of eminent domain through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest.

2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1338.

3. The authority for the taking of the land is under and in accordance with the authorities set forth in Schedule "A" attached hereto and made a part hereof.

4. The public purpose for which said property is taken is set forth in Schedule "B" attached hereto and made a part hereof.

1       5.     A general description of the land being taken is set forth in Schedule "C" attached hereto  
2 and made a part hereof. A plan showing the property being taken is shown on Schedule "D" attached  
3 hereto and made a part hereof.

4       6.     The interest(s) being acquired in the property is described in Schedule "E" attached hereto  
5 and made a part hereof.

6       7.     The names and addresses of known parties having or claiming an interest in said property  
7 are set forth in Schedule "G" attached hereto and made a part hereof.

8       8.     Local and state taxing authorities may have or claim an interest in the property by reason  
9 of taxes and assessments due and exigible.

10      9.     In addition to those persons named, there are or may be others who have or may have  
11 some interest in the property or interests to be taken, whose names are unknown to the Plaintiff, and such  
12 persons are made parties in the action under the designation "Other Interested Parties."

13       WHEREFORE, Plaintiff demands judgment that the property and interests be condemned, and  
14 that just compensation for the taking be ascertained and awarded, and such other relief as may be lawful  
15 and proper.

16      DATED: February 13, 2008

Respectfully submitted,

17                   KAREN P. HEWITT  
18                   United States Attorney

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20                   TOM STAHL  
21                   Assistant U.S. Attorney  
22                   Chief, Civil Division  
23                   Attorneys for Plaintiff

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SCHEDULE "A"  
AUTHORITY FOR THE TAKING

3 The property is taken under and in accordance with the Act of Congress  
4 approved on February 26, 1931, as 46 Stat. 1421 and codified at 40 U.S.C.  
5 Section 3114, and the Act of Congress approved August 1, 1888, as  
6 25 Stat. 357 and codified at 40 U.S.C. Section 3113, and any acts  
7 supplementary thereto and amendatory thereof; the Act of Congress approved  
8 September 30, 1996, as Public Law 104-208, Division C, Section 102, Stat.  
9 3009-546, 3009-554, as amended and codified at 8 U.S.C. Section 1103(b) &  
10 note; and the Act of Congress approved October 4, 2006, as Public Law 109-  
11 295, Title II, 120 Stat. 1355, which appropriated the funds which shall be  
used for the taking.

SCHEDULE "B"  
PUBLIC PURPOSE

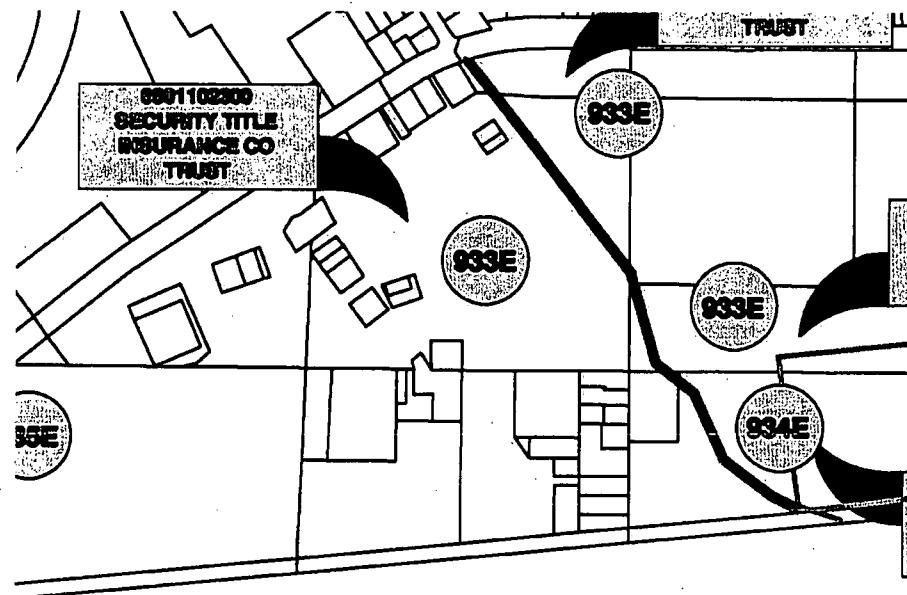
The public purpose for which said property is taken is to conduct surveying, testing, and other investigatory work needed to plan the proposed construction of roads, fencing, vehicle barriers, security lighting, and related structures designed to help secure the United States/Mexico border within the State of California.

SCHEDULE "C"  
LEGAL DESCRIPTION

A portion of the tract of land currently used as a right of way and identified on the attached Schedule "D", situate in Section 8, Township 18S, Range 8E, San Bernardino Principle Meridian, County of San Diego, State of California; the entire tract is also known as Assessors Parcel Numbers 6601102100, 6601102300, 6601400800, and 6601500100, San Diego County, California.

Containing 1.63 acres, more or less, for the portion taken.

1 SCHEDULE "D"  
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12 A portion of the tract of land currently used as a right of way situate in  
13 Section 8, Township 18S, Range 8E, San Bernardino Principle Meridian, County  
14 of San Diego, State of California; the entire tract is also known as  
15 Assessors Parcel Numbers 6601102100, 6601102300, 6601400800, and 6601500100,  
16 San Diego County, California.

17 Containing 1.63 acres, more or less, for the portion taken.

18 - PROPOSED TAKING (Acquisition)  
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SCHEDULE "E"  
ESTATE TAKEN

The estate taken is a temporary, assignable easement beginning on the date possession is granted to the United States and ending 180 days later, consisting of the right of the United States, its agents, contractors, and assigns to enter in, on, over and across the land described in Schedule "C" to survey, make borings, and conduct other investigatory work for the purposes described in Schedule "B" and to access adjacent lands; including the right to trim or remove any vegetative or structural obstacles that interfere with said work; reserving to the landowners, their successors and assigns all right, title, and privileges as may be used and enjoyed without interfering with or abridging the rights hereby acquired; subject to minerals and rights appurtenant thereto, and to existing easements for public roads and highways, public utilities, railroads and pipelines.

1 SCHEDULE "G"  
2 NAMES AND ADDRESSES OF PURPORTED OWNERS:  
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5 Security Title Insurance Company  
6 P.O. Box 121609  
7 San Diego, CA 92112  
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## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

The United States of America

(b) County of Residence of First Listed Plaintiff San Diego  
(EXCEPT IN U.S. PLAINTIFF CASES)

## DEFENDANTS

1.63 ACRES OF LAND, MORE OR LESS, SITUATE IN SAN DIEGO COUNTY,  
STATE OF CALIFORNIA; SECURITY TITLE INSURANCE COMPANY;  
AND ALL OTHER INTERESTED PARTIES

County of Residence of First Listed Defendant San Diego  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

08 CV 0289 J AJB

(c) Attorney's (Firm Name, Address, and Telephone Number) 619-557-7140

Tom Stahl, Assistant U.S. Attorney; Chief, Civil Division, Office of the  
U.S. Attorney, 880 Front Street, Rm 6293, San Diego, CA 92101

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	PTF	DEF	Citizen of Another State	PTF	DEF	Citizen or Subject of a Foreign Nation	PTF	DEF
<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3
<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 4	<input type="checkbox"/> 4
<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 4	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 5	<input type="checkbox"/> 5

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 388 Other Personal Injury Product Liability	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 410 Voting	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability	<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 875 Customer Challenge
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark	12 USC 3410
	<input type="checkbox"/> 442 Employment	<b>Habeas Corpus:</b>	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 890 Other Statutory Actions
	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 891 Agricultural Acts
	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 892 Economic Stabilization Act
	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 893 Environmental Matters
	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 894 Energy Allocation Act
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition	<b>LABOR</b>	<input type="checkbox"/> 895 Freedom of Information Act
			<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
			<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 950 Constitutionality of State Statutes
			<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	
			<input type="checkbox"/> 740 Railway Labor Act	
			<input type="checkbox"/> 790 Other Labor Litigation	
			<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	
			<b>SOCIAL SECURITY</b>	
			<input type="checkbox"/> 861 HIA (1395ff)	
			<input type="checkbox"/> 862 Black Lung (923)	
			<input type="checkbox"/> 863 DIWC/DIWW (405(g))	
			<input type="checkbox"/> 864 SSID Title XVI	
			<input type="checkbox"/> 865 RSI (405(g))	
			<b>FEDERAL TAX SUITS</b>	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

## V. ORIGIN

(Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
**40 U.S.C. Section 3114**

## VI. CAUSE OF ACTION

Brief description of cause:  
**Land Condemnation**

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:  
**JURY DEMAND:  Yes  No**

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE **Irma E. Gonzalez**DOCKET NUMBER **08cv0142-IEG (AJB)**

DATE

02/13/2008

SIGNATURE OF ATTORNEY OF RECORD

*Tom Stahl*Tom Stahl, Chief, Civil Division  
U.S. Attorneys Office

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFF

JUDGE

MAG. JUDGE